IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5527 of 2003(O&M)

Date of Decision: 20.8.2009

Jagat Ram and others --- Petitioners

Versus

Gram Panchayat Balahi and others --- Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

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PRESENT: Mr. Rajnish Narula, Advocate
for the petitioners.

None for the respondents.

AJAY KUMAR MITTAL, J

In this petition filed under Section 227 of the Constitution of India, the prayer is for setting aside the order dated 30.8.2003 passed by the Additional District Judge, Kurukshertra vide which the appeal preferred by respondent No.1,

Gram Panchayat, has been accepted and the application moved by the plaintiffs for grant of temporary injunction dismissed.

Briefly stated, it may be noticed that the plaintiffs, i.e. the present petitioners and respondent Nos. 3 to 6, filed a suit for declaration and permanent injunction against the respondent-Gram Panchayat. Along with the suit, they also moved an application for grant of temporary injunction. The trial court partly accepted the prayer made in the application and restrained the respondent-Gram Panchayat from dispossessing the plaintiffs from the land measuring 225 Kanals, out of the total land measuring 346 Kanals 5 Marlas, fully detailed in para No.1 of the plaint, vide order dated 18.11.1999.

The defendant-Gram Panchayat preferred appeal which was accepted by the Additional District Judge, Kurukshetra, on 30.8.2003 whereby the application moved by the plaintiffs for grant of temporary injunction was dismissed.

This Court while issuing notice of motion on 13.8.2004 for 4.11.2004, had ordered that status quo with regard to the possession be maintained in the meantime. Thereafter the revision petition was admitted to regular hearing on 23.9.2005.

Respondent No.1-Gram Panchayat, the only contesting respondent was served, but no one chose to appear in this Court to oppose the prayer of the plaintiff-petitioners.

Learned counsel appearing for the petitioners states that the order of status quo has continued thereafter as well. On a query made by this Court from the counsel appearing for the petitioners, whether the suit, which pertains to the

year 1999, has since been decided, the counsel expressed his inability to say anything in that behalf.

After hearing learned counsel for the petitioners and in view of the fact that the order of status quo with regard to possession passed by this Court has been unopposedly continuing for the last five years, this revision petition is disposed of with the observations that in case the suit out of which, the present revision has arisen, has not been decided so far, the trial court shall make all sincere efforts to dispose of the same expeditiously, preferably within nine months from the communication of this order. In that event, the order of status quo with regard to possession passed by this Court shall continue during the pendency of the suit.

(**AJAY KUMAR MITTAL)**

August 20, 2009 **JUDGE**

***RKMALIK**